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15 ABBOTT DIABETES CARE INC.
and ABBOTT LABORATORIES

19 ABBOTT DIABETES CARE INC. and
20 ABBOTT LABORATORIES,

21 Plaintiffs,

22 vs.

24 ROCHE DIAGNOSTICS CORPORATION
25 and BAYER HEALTHCARE LLC

26 Defendants.

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

19 CASE NO. C05-3117 MJJ

20 **JOINT STIPULATION TO EXTEND
CERTAIN PREHEARING DATES
RELATING TO DEFENDANT BAYER'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON LACHES**

22 **AND [PROPOSED] ORDER**

1 **JOINT STIPULATION TO EXTEND CERTAIN PREHEARING DATES**
2 **RELATING TO DEFENDANT BAYER'S MOTION**
3 **FOR PARTIAL SUMMARY JUDGMENT ON LACHES**

4 Plaintiffs Abbott Diabetes Care Inc. and Abbott Laboratories (collectively,
5 “Abbott”) and Defendant Bayer Healthcare L.L.C. (“Bayer”) hereby file this Joint Stipulation
6 relating to Defendant Bayer’s Motion for Partial Summary Judgment.

7 The parties previously filed a Joint Stipulation with the Court on December 8,
8 2006 to set forth the agreed dates for discovery, briefing, and hearing on both Defendants
9 Roche’s and Bayer’s Motions for Partial Summary Judgment on Laches. The Court issued an
10 Order on December 11, 2006, setting the hearing date for the Motions for March 20, 2007, at
11 9:30 a.m. Because of deposition scheduling difficulties, Abbott and Bayer have agreed to extend
12 two of the previously agreed upon deadlines with respect to the Bayer Motion, as follows:

13 1. All discovery relating to Bayer’s Motion for Summary Judgment shall now
14 be completed by February 16, 2007, instead of February 15, 2007.
15 2. Abbott will file its substantive opposition to Bayer’s Motion for Summary
16 Judgment on or before February 21, 2007, instead of February 20, 2007.

17 All other deadlines previously agreed on by the parties and approved by the Court – Defendants’
18 replies due on or before March 6, 2007, and hearing on or after March 20, 2007 – will remain the
19 same.

1 DATED: February 5, 2007

MORRISON FOERSTER

Jason Bartlett

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Jason Bartlett

ATTORNEYS FOR DEFENDANT BAYER
HEALTHCARE LLC

DATED: February ___, 2007

BAKER BOTTS L.L.P.

James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT
DIABETES CARE INC. AND ABBOTT
LABORATORIES

1 DATED: February ___, 2007

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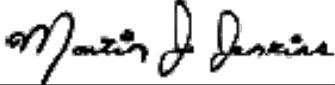
ATTORNEYS FOR DEFENDANT BAYER
HEALTHCARE LLC

DATED: February *5*, 2007

BAKER BOTTS L.L.P.

James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT
DIABETES CARE INC. AND ABBOTT
LABORATORIES

1
2 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 Dated: February 13, 2007
5 By: 
6 THE HON. MARTIN J. JENKINS
7 UNITED STATES DISTRICT JUDGE
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